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DIRECTOR OFFICE
TECHNOLOGY CENTER 2100
Alan G. Gorman
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903

Paper No. 6

In re Application of HEINTZEMAN et al.
Appl. No.: 09/598,586
Filed: June 21, 2000
For: COMPUTERIZED APPARATUS AND METHOD FOR
AWARDING CREDITS TO PERSONS WHO
TRANSACTION ON-LINE PURCHASES

DECISION ON PETITION
UNDER 37 CFR 1.59

This is a decision on the petition under 37 CFR 1.59(b), filed to expunge information submitted pursuant to MPEP 724.02.

The petition is **DISMISSED**.

Petitioner requests that any information contained in the Information Disclosure Statement filed on December 26, 2000 be expunged from the record. Petitioner states that the information contains trade secret material proprietary material and/or material that is subject to a protective order which has not been made public. The petition fee set forth in 37 CFR 1.17(i) has been paid.

The petition is premature because the application has not been allowed or abandoned. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the petition to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be returned to applicant.

for Margaret A. Focad
John J. Love, Group Director
Technology Center 2100
Computer Architecture, Software,
and Electronic Commerce